

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA)
)
 v.) 1:11-cr-00185-JAW
)
JAMES STILE)

**ORDER ON MOTION FOR RETURN OF PROPERTY
SEIZED POST-CONVICTION**

On October 30, 2014, James Stile pleaded guilty to robbery of controlled substances from a DEA registered pharmacy, a violation of 18 U.S.C. § 2118(a). *Minute Entry* (ECF No. 541). On May 29, 2015, the Court sentenced Mr. Stile to 120 months incarceration, \$13,306.93 in restitution, a \$100.00 special assessment, and five years of supervised release. *J.* (ECF No. 579). On May 29, 2015, Mr. Stile filed a notice of appeal. *Notice of Appeal* (ECF No. 581). On July 9, 2015, Mr. Stile moved for an order, requiring the Government to return seized property to him. *Mot. for Return of Property Seized Post Conviction* (ECF No. 598).

Even assuming the questionable proposition that Mr. Stile has the right to demand the return of seized property that may be connected to the facts underlying his pending appeal, the First Circuit has observed that a request for the return of property is “separable from, and has no effect upon, the appellant’s conviction and sentence.” *United States v. Guzman*, 85 F.3d 823, 830 (1st Cir. 1996). To obtain seized property, a defendant may “bring an independent civil action for the return of property.” *Id.*

The Court DISMISSES without prejudice Defendant James Stile's Motion for Return of Property Seized Post Conviction (ECF No. 598).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 21st day of July, 2015

Defendant (1)

JAMES STILE

TERMINATED: 05/29/2015

represented by **JAMES STILE**

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